

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 2:19-mj-30044

Plaintiff,

Hon. Anthony P. Patti
U.S. Magistrate Judge

v.

D-1 Christian Newby,

Defendant.

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**STIPULATION AND ORDER TO ADJOURN THE
REMOVAL HEARING AND PRELIMINARY EXAMINATION**

Defendant Newby and Plaintiff United States of America by and through their respective undersigned attorneys, request that the Court enter an Order adjourning the removal hearing and preliminary exam in this case. The parties request the hearings be continued for a period of sixty (60) days so that certain charging, evidentiary, and discovery issues may be discussed prior to that date. In support of this request the parties state the following:

1. On January 31, 2019, Defendant was arrested in the Eastern District of Michigan, based on a federal arrest warrant issued in the Northern District

of Illinois.

2. Defendant acknowledges that he is charged in a complaint dated January 29, 2019, pending in the Northern District of Illinois, for violations of Wire Fraud, pursuant to 18 United States Code Section 1343.
3. Defendant acknowledges that he has appeared before this Court and was advised of his rights as required by Fed. R. Crim. Pro. 5, including his right to have a preliminary examination and removal hearing.
4. The removal hearing is scheduled before the duty magistrate in the Eastern District of Michigan for March 18, 2019, at 1:00 p.m.
5. Rule 5.1 (d) states, in pertinent part, that “[W]ith the defendant’s consent and upon a showing of good cause – taking into account the public interest in the prompt disposition of criminal cases – a magistrate judge may extend the time limits in Rule 5.1(c) one or more times.”
6. The parties, in an attempt to consolidate multiple legal matters, continue to negotiate. The parties agree that this continued negotiation is good cause to extend the time period for which a removal hearing should be held pursuant to Rule 5.

Consequently, the parties stipulate to an adjournment of the removal hearing and preliminary examination date from March 18, 2019, for a period of

approximately 60 days, to May 20, 2019. The parties also stipulate that the time between March 18, 2019, and May 20, 2019, shall be excludable delay within the meaning of the Speedy Trial Act, pursuant to 18 U.S.C. 3161(h)(1)(E) and (h)(7). The interests served by the delay, negotiation, continued discovery and evidentiary issues, and charging decisions, outweigh the best interests of the defendant and the public in a speedy trial.

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IT IS SO ORDERED.

Dated: March 15, 2019

s/Anthony P. Patti
Hon. Anthony P. Patti
United States Magistrate Judge